

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

BRIAN G. OATMAN,
02097131,

Plaintiff,

v.

SGT. GIBRILLA KARGBO; LT.
NURUDEEN OGUNRINOLA; ET AL.,

Defendants.

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SA-22-CV-001314-FB

ORDER OF DISMISSAL

Before the Court is Plaintiff Brian Oatman's ("Plaintiff" or "Oatman") *pro se* 42 U.S.C. § 1983 Civil Rights Complaint ("Section 1983 Complaint") (ECF No. 1). Oatman neither paid the filing fee nor requested leave to proceed *in forma pauperis* ("IFP").

Consequently, on December 13, 2022, Oatman was ordered to either pay the filing fee or submit leave to proceed IFP along with a current six (6) month history of his inmate trust account. (ECF No. 3). Plaintiff was advised that if he failed to comply with this Order within thirty (30) days, this action could be dismissed for failure to prosecute and failure to comply with this Order. *See* FED. R. CIV. P. 41(b). To date, Plaintiff has not responded to the Court's Order.

This Court has the inherent power under Rule 41(b) of the Federal Rules of Civil Procedure to dismiss a case *sua sponte* where necessary to achieve orderly, expeditious disposition of cases. Because Oatman failed to comply with the Court's Order, his case is dismissed.

IT IS THEREFORE ORDERED that Oatman's Section 1983 claims against Defendant, Sgt. Gibrilla Kargbo, Lt. Nurudeen Ogunrinola, Unidentified Officer, Assistant

Warden Vernet Davis, Jr. and Assistant Warden Roger L. Boyd, are **DISMISSED WITHOUT PREJUDICE** for failure to comply with the Court's Order.

SIGNED this 14th day of February, 2023.



FRED BIERY
UNITED STATES DISTRICT JUDGE